

REMARKS**BEST AVAILABLE COPY**

Claims 1-37 are pending in the application.

Claims 7, 8, 13-19, 23, 24, 26, 27 and 29-31 are found to contain allowable subject matter.

Claims 2-8, 10, 13, 15-20, 23 and 29-31 are objected to for informalities as noted on pages 2 and 3 of the office action. The changes as suggested by the examiner have been implemented herein.

Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph as being indefinite.

Claims 26 and 27 have been amended to depend from claim 23 instead of claim 25. This corrects a typographical error.

In view of the above changes and comments it is respectfully requested the claim objections and rejections under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1-6, 20, 25, 28 and 32-37 are rejected under 35 U.S.C. 102(e) as anticipated by Ariyoshi et al. (hereinafter Ariyoshi). The independent claims of this application are claim 1 (mobile station), claim 20 (base station), claim 32 (communications network), claim 33 (receiving method in a mobile station), 34 (transmission method in a base station), claim 35 (communications method), claim 36 (mobile station - means plus function language), and claim 37 (base station - means plus function language).

In applicant's claim 1 it appears that in the Office Action applicant's claimed code information receiving portion is being compared and equated with the PJ-i, PC-i, SC-i and CT described in Ariyoshi.

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However it is respectfully submitted that applicant's claimed "code information identifying a further spreading code ..." is different from the various items of information PJ-i, PC-i, SC-i and CT in Ariyoshi.

In Ariyoshi these items of information relate to the timing or phase of signals sent from the mobile stations (terminals) to the base station. In particular, PJ-i denotes phase jump information of each terminal station, PC-i denotes a phase synchronization control instruction of each terminal station, SC-i denotes acquisition searching control information, and CT denotes spreading code synchronization timing information.

These items of information either specify the timing of the uplink signal or provide instructions or commands relating to prescribed timing or synchronization operations. The information appears to only relate to phase control of spreading codes in each of the terminal stations. Ariyoshi is directed to synchronizing the transmission of terminal stations to have their signals reach the base station in an orthogonal state with each other.

None of these items can fairly be described as "code information identifying a further spreading code assigned by the network to an interfering signal of another network user" as required by claims 1, 33 and 36 or "code information identifying a spreading code assigned by the network to the designated interfering signal" as required by the independent claims 20, 32, 34, 35 and 37.

Because Ariyoshi fails to describe or suggest each limitation in the independent claims, it is respectfully requested the rejection under 35 U.S.C. 102(e) be withdrawn.

Claims 11, 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as unpatentable over Ariyoshi and claims 9 and 10 are rejected as unpatentable over Ariyoshi in view of Dent (US 5,151,919).

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It is respectfully submitted that one skilled in the art would not find it obvious to modify the elements in Ariyoshi to arrive at the subject matter of the rejected claims. In particular, the object of the Ariyoshi invention is to control the phases of respective orthogonal codes of uplink signals sent from a plurality of terminals to a given base station.

There is no suggestion found anywhere, except in applicant's disclosure, to send from the base station to the mobile station code information identifying one or more further spreading codes assigned by the network to one or more interfering signals of other network users to achieve this object.

Although controlling the phases of the orthogonal signals can enable the capacity of the network to be increased, which is one of the effects of the present invention, the solution in Ariyoshi is a timing-based solution, whereas the solution in the present claimed invention is based on giving each mobile station knowledge of the spreading codes of significant interfering users (for example high bit rate users HBIUs) so that the mobile station can take steps to cancel out the interference caused by such users.

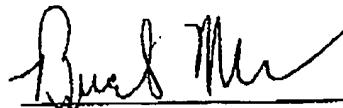
There is nothing in Ariyoshi to suggest such a solution. Applicant's own disclosure is being used as a roadmap to arrive at the rejection, therefore it is respectfully requested the rejections under 35 U.S.C. 103(a) be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

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Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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